

REMARKS

Claims 3-18 are pending.

In the office action, claims 3-5, 7-13, and 15-17 were rejected under 35 U.S.C. § 102(e) in view of U.S. Published Application Number US 2005/0251458 A1 to Perkowski; and claims 6, 14, and 18 were rejected under 35 U.S.C. § 103(a) in view of Perkowski and Official Notice.

The applicant respectfully traverses the rejections of claims 3-18, and it is respectfully submitted that claims 3-18 are patentable over Perkowski, since claims 3-18 recite searching only a plurality of brand names.

Perkowski does not disclosure or suggest only searching a plurality of brand names, as in the present invention.

On the contrary, Perkowski specifically teaches away from the present invention, since Perkowski specifically states that the Perkowski system allows “consumers to find product related information on the Internet (e.g. WWW) at particular Uniform Resource Locators (URLs), using UPC numbers and/or trademarks and tradenames symbolically-linked or related thereto” (Perkowski, page 7, paragraph [0090]) (emphasis added).

Accordingly, by using the term “or” in “UPC numbers and/or trademarks and tradenames”, Perkowski contemplates embodiments which search for URLs using only Universal Product Code (UPC) numbers, which are clearly not trademarks, trade names, or brand names, as in the present invention.

In addition, by using the term “and” in the term “and/or” of “UPC numbers and/or trademarks and tradenames”, Perkowski contemplates embodiments which search for URLs using trademarks and trade names in conjunction with UPC numbers, which is clearly not limited to searching only brand names, including trademarks and trade names, as in the present invention.

Furthermore, by using the term “or” in “UPC numbers and/or trademarks and tradenames”, Perkowski clearly distinguishes UPC numbers from brand names, as in the present invention, and Perkowski does not identify UPC numbers with brand names, such as trademarks and trade names, since Perkowski, as his own lexicographer, delimits the term “UPC numbers” as indicating something separate and distinct from trademarks and tradenames. Otherwise, Perkowski would not have felt a need to use the term “and/or”, and one skilled in the art would recognize that “UPC numbers” are clearly indicative of something separate and distinct from trademarks and tradenames.

Moreover, Perkowski clearly intends “UPC numbers” to be distinct and separate from “trademarks and tradenames”, since Perkowski, on page 12, paragraph [0121], indicates that the system of Perkowski stores different information in different fields: “an IPN Information Field for storing information (e.g. numeric or alphanumeric string) representative of the Universal Product Number ... [and] a Trademark Information Filed for storing information (e.g. numeric or alphanumeric string) representative of each trademark (or Domain Name)”. See also Perkowski, page 14, paragraph [0135] which further distinguishes the UPC number from trademarks by having separate information storage fields.

Perkowski further includes a “UPN Search Mode in which “the user selects the ‘UPN Search’ Button 21B”, described on page 15, paragraph [0142] of Perkowski. See also page 3, paragraphs [0031] to [0035] of Perkowski describing the UPN search mode for searching UPN and UPC numbers.

Therefore, the system of Perkowski is not limited to searching only brand names as in the present invention.

One having ordinary skill in the art would not look to Perkowski for the claimed invention, since Perkowski and the present invention differ not only on the surface but more importantly in the underlying infrastructure and the actual intended functions, features, and operations of the systems. That is, how the product data or content of each of Perkowski and the present invention is inputted; how, when and where a user receives and interacts with the data; how and why clients would actually support each business model, etc. The present invention represent a unique and novel way of looking at a situation, problem, or activity. In this case, the present invention and the system of Perkowski are not only different and from each other, but they are also solving different problems.

In addition, the present invention and the system of Perkowski propose separate business models that must collect revenue and have profit and loss statements. The business model of the present invention is based on today’s standard online advertising process with a twist that makes the present invention unique. It’s not clear how the system of Perkowski will collect its money, but the sheer size of the project suggests that it will need to collect a considerable amount from each of its clients. Because there is no business model set up today similar to the Perkowski system, and because the business model of Perkowski is so different from what exists today, one having ordinary skill in the art would not expect clients will pay into the Perkowski system.

Briefly, some similarities and differences between Perkowski and the present invention are shown in Table 1:

TABLE 1

Features	Perkowski's System	The Present Invention
Primary purpose	Serve all types of product related information via multiple URL's and links	Serve only brand name URL address and link
User focus	Product-focused	Brand-focused
Clients	Manufacturers	Brand name companies
Search by	UPNs or scan labels	Brand names
Search source	Internet product directory	Brand name list
User environment	Retail establishment or user's PC	User's PC
Search limit	Only products with UPNs	All products and services
Revenue model	Manufacturers subscribe to database (assumed)	Brands pay ad fee on a website of the present invention
Backend engine	Multiple, relational databases	Single, simple database
Commerce transactions	Yes	No

Both the system of the present invention and the Perkowski system deliver URLs that lead the users to homepages and underlying product pages of companies. This is the primary purpose of the present invention, while the primary purpose of the Perkowski system is to provide limitless information on a countless number of products and does not focus on a brand homepage being the destination at which users would most often arrive. The latter is always the case for the present invention. The largest disparity between the present invention and the Perkowski system is that they are built on two entirely different organizing principles. The Perkowski system supports a product classification model that is based on an already existing Universal Product Number (UPN) system whereby all manufactured products are given a number and barcode, a Universal Product Code (UPC). UPNs may be something that all manufacturers have in common but they are not something that all brands have in common. Not everything a brand name company sells has a UPC or a place to affix a barcode, such as a bank checking account or a hotel reservation. But virtually all brand name companies, including all manufacturers, have Internet web sites and advertise them so they can be located more easily on the web. That is why the present invention deploys an advertising model, in contrast to the product classification model of Perkowski.

As there does not appear to be a demo, prototype or working model of the Perkowski system, one skilled in the art would not understand completely how the user experience with the Perkowski system is supposed to happen. It seems that in whatever Search Mode of Perkowski which the consumer selects, whether it be for product description, specifications, warranty information, trademark, E-mail or URL addresses, advertisements, etc., the consumer must have the UPN to complete the search.

On the contrary, to begin with, the present invention does not assume that all users want to get to the web site of a brand name company only for the purpose of finding product information. Some users of the present invention are looking for stock market information, employment postings, news, and other content.

However, one having ordinary skill in the art would recognize that most users of the Perkowski system are looking for some form of product information, and so it is unrealistic and impractical to assume that the users of the Perkowski system will know the UPN associated with such product information, if any such UPN or UPC is even available. At best, consumers know what product which the consumers are shopping for, and some consumers will know the company name.

The present invention helps consumers in both these situations, but the Perkowski system is not set up in some embodiments to accommodate their requests without a UPN. A review of marketing research of how consumers shop will reveal and confirm this premise: most will not know the UPN of a product even after they have purchased the item.

Such consumer awareness, or more specifically, lack of awareness of the UPN or UPC of products or other content points to the inherent difference in the two methodologies of the present invention and Perkowski. The present invention is a pure advertising function within the marketing discipline, while the Perkowski system attempts to fulfill a similar need but within a different context, one that stems from more of a supply chain orientation. In fact, one having ordinary skill in the art would recognize that consumers are a recent and secondary audience to the Perkowski system, and that the Perkowski system was first designed for the fabricators, wholesalers, agents, and distributors of products; that is, all those who engage directly with the brand company as middlemen but never directly with the consumer.

Similarly, the Perkowski system differentiates products or UPNs by the manufacturing company, which is frequently different from a product's brand name company, as used in the present invention. Manufacturers are again often fabricators, wholesalers or distributors of brand names. Consumers would not usually know the names behind the supply chain of the products they buy. They know the name the product is marketed under the brand name, which is specifically employed in the present invention, but not necessarily employed or required to use the Perkowski system.

In the model of the Perkowski system, a company must respond to some sort of solicitation to register their products and Internet links within their databases. This infers that the number of products in the Perkowski databases is limited because they are dependent on all manufacturers seeing the Perkowski system as being worthwhile and choosing to take the steps to be included in the product classification database. When one is relying on thousands and thousands of companies to sign up for the service, there is no way to guarantee that virtually all will do so.

Not so with the present invention, where substantially all brand name companies may be automatically included from the beginning, for example, by retrieving known brand names and trademarks from known databases, such as the U.S. Patent and Trademark Office. In addition, any missed names, once identified, can be added immediately or substantially quickly by the present invention by regularly inputs, such as by manual entry of new brand names and trademarks, and/or by downloading or dynamically accessing such known databases of brand names and trademarks.

Another distinction to be noted here between the present invention and the Perkowski system, is that, in operation, the present invention is guaranteeing only the URL link to a homepage associated with the matching brand name found in the search performed by the present invention. On the contrary, manufacturers registering to be included in the Perkowski system will be including numerous URL links further down in a web domain of the company than the homepage, where product information is typically found.

Although Perkowski has a “Trademark-Directed Search Mode enabling consumers to use trademarks and/or tradenames associated with consumer products to search for consumer-product related information registered within the system”, which is a feature most similar to the present invention, the use of the UPN product directory in Perkowski does not limit such searches to only brand names or trademarks as in the present invention.

This again emphasizes a major difference in the two methodologies: the one of Perkowski being built on the UPN system, the other of the present invention which is simply built on brand names. Either way, the Perkowski system will only return the product information if the manufacturer has registered the product previously. This, of course, is again not the case with the present invention.

Furthermore, for the number of different search modes which the Perkowski system provides, it would not be clear to one skilled in the art reading Perkowski as to how URLs are returned to the users, whether in the form of a link button or the actual web address. On the contrary, the purpose of the present invention is to return only one URL and that is for the homepage of a web site of the company associated with the brand name matching the URL. However, the profit model of the present invention is based on brands buying ad space on their brand URL page where they may chose to put up graphic marketing messages, for example, up

to four messages, that contain other URL links to their site or perhaps their resellers, etc., such as advertising URLs which brand advertisers may choose to buy on a free URL page provided to brand advertisers using the present invention.

The brand company, being the advertiser, decides what they will put in this space. Placement of content in such URL pages is not preordained and limited in the present invention as in the more tightly formatted images of the Perkowski system. Having a web page design layout that the consumer using Perkowski would interface with would help to understand this potential variant better, but none has been provided to one skilled in the art reading Perkowski.

The Perkowski system also provides “a product information finding and serving system, wherein the URLs symbolically linked to each registered product in the IPD Servers thereof are categorized as relating primarily to Product Advertisements, Product Specifications, Product Updates, Product Distributors, Product Warranty/Service, and/or Product Incentives (e.g. rebates, discounts and/or coupons), and that such URL categories are graphically displayed to the requester by way of easy-to-read display screens during URL selection and Web-site connection.”

Some of the types of information described in the above excerpt from Perkowski may be found on a brand ad quadrant page referenced above for use in the present invention. However, one having ordinary skill in the art would read Perkowski and the product information categories cited in Perkowski, and understand that most are basic product information, and not the more marketing oriented content, such as advertisements and incentives, used in the present invention. The latter are two examples of what a brand company may choose to put on the URL/ad page of the present invention, while it is the choice of such a brand company as well as whether they want to advertise and what that marketing message consists of.

On the contrary, one having ordinary skill in the art reading Perkowski would be unable to clearly determine how much a manufacturer can input in the Perkowski system, what is the Perkowski funding model, and to whom inside a company using the Perkowski system is the service marketed.

In addition, Perkowski describes "Product-Description Directed Search Mode enabling consumers to use product descriptors (such as toothpaste or personal computer) associated with particular consumer products to search for consumer-product related information registered within the system", which is similar to the use of product type or category searches used in the present invention when a user is not sure of a brand name. Again, a main difference between the Perkowski system and the present invention is that these product descriptors of Perkowski only work if a majority of products are registered and the product descriptor column of the database table is completed by the participating manufacturer. On the contrary, the present invention automatically includes anywhere from two to six descriptors for each brand company that operate similar to keywords in a search engine.

The database of the present invention is managed and maintained by the company itself operating the present invention. On the contrary, the databases of the present invention are managed and maintained by the manufacturers, retailers and/or agents for a particular product and they can have their own limited-version of the UPN/URL database for the products which they sell. Because one can have numerous clients maintaining the same product information, to one having ordinary skill in the art, it would appear more difficult in the Perkowski system to manage content accuracy, integrity and timeliness. It might also be that product content of a company is being hosted on sites other than the web site of the company. One having ordinary skill in the art, for example, in the field of running a website of a company, would recognize that

the operation and implementation of the Perkowski system is not a favorable situation and opens up the possibilities of dissatisfying and frustrating end user consumers.

The present invention has also identified the effort a consumer must make to locate a product website typically using a search engine as time consuming and frustrating, as stated in the Perkowski disclosure. In addition, once the URL address is obtained by any search engine, a user must take the time to review the homepage in order to find the link to the particular product or other shopping information. This phenomenon is the basis upon which the present invention is built. However, although Perkowski also cites this problem as one which the Perkowski system can solve, it would not be clear to one having ordinary skill in the art as to how the Perkowski system simplifies this task without a working model.

One having ordinary skill in the art would recognize that many search engines and content companies in the prior art, for example, using the Perkowski system, have tried to streamline the process of users searching to find links to particular products or other shopping information in order to satisfy users. However, it is respectfully submitted that such previous attempts have been flawed, and there has been a long felt need for the capability of performing a focused search of brand names to rapidly find web links to particular products or other shopping information of users, with such long felt need being addressed and satisfied by the present invention. By using the present invention, the ability to rapidly obtain such web links with the associated products and information is accomplished in a manner which is not provided by the prior art, including Perkowski.

In addition, the searching of UPNs, UPCs, trademarks, and trade names by the Perkowski system is one of many services which the Perkowski system provides, and so the Perkowski system seems to want to be many things to many people: manufacturers, retailers, agents,

consumers. Because of this over-functionality, the Perkowski system may not succeed at all of such functions, as is the norm when an effort tries to take on too much. Either way the mere complexity and sheer size of the Perkowski system contrasts the basic simplicity of the present invention which focuses on searching only brand names, and not UPNs or UPCs, and the complexity of the Perkowski system makes it unreasonable to equate the present system to the Perkowski system and have them be competitive.

In addition, Perkowski also includes a feature “to provide such a system and method, in which Web-site-based advertising campaigns can be changed, modified and/or transformed in virtually any way imaginable by simply restructuring the symbolic links between the products and/or services in the campaign using current (i.e. up-to-date) Web-site addresses at which Web-site advertisements and information sources related thereto are located on the Internet”.

It is respectfully submitted that one having ordinary skill in the art would consider the operators of the Perkowski system to be naïve as to the advertising and marketing disciplines, since any advertiser would not want to manipulate and manage their interactive ads in the manner described by Perkowski, and it is also not feasible the way Internet ads are bought and placed today as described or assumed in operation of the Perkowski system.

However, in a much smaller way, as used by the present invention, brand advertisers would be able to have more direct control of what they include on their ad page used in the present invention, and as the service matures, advertisers may be given direct control over their ad space that they have purchased. But this would be true only on the web site of the present invention, and not for all the interactive advertising and marketing that such advertisers buy on the Internet. There are other companies and systems such as Perkowski trying to do this for

advertisers and so far they have not succeed, while the present invention provides such advantages and facilities to advertisers.

Another feature of Perkowski is to provide product information request applets that are loaded within the UPN/URL database management subsystem and “distributed to retailers, wholesalers, manufacturers, advertisers and others for embedding within their HTML-encoded documents associated with EC-enabled stores, catalogs, Internet-based product advertisements, on-line auction sites, and other locations on the WWW where accurate consumer product related information is desired or required without leaving the point of presence on the WWW at which the consumer resides.” Again, similar to the ad management feature described above, one having ordinary skill in the art would consider Perkowski not only impractical in attempting to implement this feature, but also how there is no reason companies would use a third party website and database such as the Perkowski system from which to serve their product content or manage their advertising as cited above. To maintain the integrity of their content and user experience and to be cost-effective in their overall marketing planning, the operators of the Perkowski system would have to take complete charge of this themselves and not entrust it to an independent resource.

Brand marketing companies may use their ad agency and/or media buying and trafficking companies to manage all of their Internet advertising because that is their specialty. However, one having ordinary skill in the art would recognize that, by lumping together these functions into everything else which the Perkowski system is trying to provide, such use of the Perkowski system leaves a credibility gap for any potential customers of the Perkowski system, since the Perkowski system is too complex and so cannot provide such rapid and focused searches of brand names as does the present invention.

Finally, it is respectfully submitted that one having ordinary skill in the art would consider the present invention to be more advantageous than the Perkowski system, and that the Perkowski system is neither realistic nor practical to execute today, which is perhaps why the Perkowski system is believed to be not up and running. To expect companies to assign the responsibility of managing and serving the bulk of their product information to an outside third party is not a practice that is normally followed in the industry because of integrity issues and the cost. Although Perkowski has not described, suggested, or offered a pay model in the description of the Perkowski system, it would seem to one having ordinary skill in the art to be expensive in terms of operational fees and internal corporate resources. To a certain extent, the makers of the Perkowski system are asking corporations to tie part of their backend systems into an external one where the products of competitors will also be represented. This is not an easy task as GOOGLETM and others similar web companies, who have sought to integrate their web sites with product inventory and distribution systems of major companies, would attest to. This discussion clearly contrasts the complexity of the Perkowski system with the simplicity of present invention. While there may be some similarities here and there on the surface between the Perkowski system and the present invention, it is just as important to see the differences in their underlying methodology and design.

Accordingly, since Perkowski does not include or suggest all of the elements, steps, features, and advantages of the present invention, and in fact in many ways teaches away from the present invention, the present invention is patentable over Perkowski.

The Official Notice does not cure the deficiencies of Perkowski, since the use of interactive television does not limit the searches of Perkowski to brand names, as in the claimed invention.

Therefore, claims 3-18 are patentable over Perkowski and/or the Official Notice, individually or in combination, so reconsideration and withdrawal of the rejections of claims 3-18 are respectfully requested.

Accordingly, entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,



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